

REMARKS

Reconsideration is requested.

Claims 6 and 10-12 are pending. Claims 11 and 12 have been withdrawn from consideration. Entry of the present Amendment and rejoinder and allowance of claims 11 and 12 with claims 6 and 10 are requested. The present Amendment does not add new matter or raise new issues requiring further search and/or consideration.

Entry of the present Amendment is requested.

Withdrawal of the previous rejection based on Lemesre (U.S. Patent Application No. 20030068690) is noted, with appreciation. The applicants note the Examiner's comment in the Office action of October 20, 2009, that the rejection has been withdrawn based on the recitation of "electrophoretically pure" in claim 6. See page 2 of the Office Action dated October 20, 2009.

Claim 6 is further defined over the cited publication however in at least the recitation of apparent molecular weight of 42.5 kDa. The cited application has issued as U.S. Patent No. 7,282,210, the claims of which define a non-infectious immunogenic composition comprised of an excretion or secretion antigen of about 55.4 kD as measured on SDS gel under non-reducing conditions, said antigen being isolated from culture supernatant conditioned by amastigote forms or promastigote forms of a parasite selected from the group consisting of Leishmania infantum and L. chagasi from an axenic culture devoid of serum, at exponential and/or stationary phases of their growth, in combination with a vehicle for delivery. The claims of U.S. Patent No. 7,282,210 were revised during prosecution to obviate a written description rejection of

claims to antigens not limited by molecular weight, based on Example 18 and Figure 12 of the patent which demonstrates an excretion or secretion antigen of about 55.4 kD (lanes E, F and G of Figure 12). The present Examiner has not established that the presently claimed invention would be inherently (i.e., necessarily) found in the cited art.

The presently claimed invention defines a purified form of a *Leishmaniasis* promastigote surface antigen and excreted/secreted antigen as a glycoprotein by apparent molecular weight and amino acid sequence which was not literally or inherently described in, for example, the mixed antigen preparation (i.e., supernatant of aseric culture metabolized by promastigote forms at the end of the exponential phase of *L. amazonensis* concentrated 200 times and dialyzed) of Example 19 of Lemesre, which has been cited by the Examiner. See page 3 of the Office Action dated January 21, 2009.

The Section 112, first paragraph "written description", rejection of claims 6 and 10 is obviated by the above amendments. Entry of the present Amendment and withdrawal of the rejection are requested.

The Section 112, second paragraph, rejection of claim 10 is obviated by the above amendments. The Examiner's helpful suggestions have been adopted in the above to obviate the rejection. Entry of the Amendment and withdrawal of the rejection are requested.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned, preferably

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by telephone, in the event anything further is required to place the application in
condition for allowance.

Respectfully submitted,

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